

In re Patent Application of
Ray D. Odom
Serial No. 09/982,256
Filed October 18, 2001

REMARKS

Applicant appreciates the Examiner's apparent determination that there exist no references which anticipate the present invention. Accordingly, the Office Action is limited to concerns under 35 U.S.C. 103(a).

The Office Action rejects independent Claims 1, 10, 19, and 28 under 35 U.S.C. 103(a) as obvious and unpatentable over Rusnak (US 4,254,956), Elings et al. (US 3,647,284), and Churchod (US 5,437,457). For the following reasons, Applicant respectfully asserts that a *prima facie* case of obviousness has not been established against the pending claims.

Independent claims 1, 10, 19 and 28 recite the structural features shown in FIGS. 1 and 2 which allow a user to adjust the device so that the optical image produced from the golf ball may be changed in position to account for a golfer's height, which necessarily changes the angle at which the golfer will view and hit the ball. These structural features allow the changing of the height and the angle of the image relative to the playing surface. None of the cited references describes structural features which provide the user with the ability to so adjust an image of the ball.

Rusnak's entire description of how a holographic image of a golf ball is produced is found at column 4, lines 39-46. There is no discussion of how any image position adjustments may be accomplished. Elings describes moving the object away from the optical axis of the reflector, so as to change the distance of the image from the reflector. See column 3, lines 45-65. Elings, however, does not consider, describe or teach how to change the angle of the image relative to a surface located above the reflector. This was not a problem addressed by Elings, as the object of his invention was merely to display an object by use of an image, while the original object was out of reach of the viewer. Elings was not concerned with solving a golf practice problem, consequently, the orientation of

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a ball relative to a playing surface was not an issue. The Churchod invention uses a "special golf ball with a magnetic field emanating therefrom"; see column 2, lines 17-18. Churchod does not generate an image from a tangible golf ball, and teaches nothing regarding how to properly orient the image of the ball upon a playing surface.

A *prima facie* case of obviousness against the claims cannot be established unless three basic criteria have been met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the combined references cited must teach or suggest all the claim limitations. See MPEP §2142.

Applicant respectfully asserts that the combined references of Rusnak, Elings, and Churchod do not teach or suggest all the limitations recited in claims 1, 10, 19 and 28. Applicant has pointed out above that none of these references describes the desirability of adjusting the image of a golf ball relative to a playing surface to account for differences in the heights of golfers and length of golf clubs. The combined cited references, therefore, do not describe or suggest the invention recited in the claims.

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Accordingly, Applicant respectfully submits that the independent claims are nonobvious over the combined cited references and requests the Examiner's withdrawal of the obviousness rejection of the claims. In addition, their respective dependent claims, which recite yet further distinguishing features, are also patentable and require no further discussion.

If the further prosecution can be facilitated through a telephone conference between the Examiner and the undersigned, the Examiner is respectfully requested to telephone the undersigned at his convenience.

Respectfully submitted,



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